

MYSORE LEGISLATIVE ASSEMBLY

THIRTY-FOURTH DAY

Monday, 18th April 1960.

The House met in the Assembly Hall, Vidhana Soudha, Bangalore, at One of the Clock.

MR. SPEAKER (SRI S. R. KANTHI, B.A., LL.B.) in the Chair.

STARRED QUESTIONS

(to which oral answers were given).

Refund of Money by Government to Sugar Factory, Bellary.

*Q.—6. Sri C. S. HULKOTI (Mundargi).—

Will the Government be pleased to state :—

(a) the amount required to be refunded by the Government for each of the following years, *ie.*, 1953-54, 1954-55, 1955-56 and 1957-58 as per the recent order of the High Court of Mysore in a writ application filed by a Sugar Factory in Bellary District;

(b) the reasons for the refund of that amount;

(c) whether it is a fact that the refund was ordered for want of issue of Notification in time by the Government and for not properly wording the Notification?

A.—Sri T. MARIAPPA (Minister for Finance).—

(a) In view of the enactment of the Madras Sugar Factories Control (Mysore Amendment and Validation of Levy of Cess) Act, 1959, the question of refunding any portion of the cess already recovered does not arise.

(b) *Vide* reply to (a).

(c) The notifications (levying cess) issued by the Government of Mysore in exercise of the powers under Section 14 of the Madras Sugar Factories Control Act, 1949, were quashed by the High Court on the ground that Section 14 of the Act did not empower the executive Government to levy cess retrospectively.

Sri C. S. HULKOTI.—What is the amount to be refunded each year?

†Sri J. H. SHAMSUDDIN.—The question of refund does not arise on account of the validating Act recently passed. All the same, I can give the figures of the amounts due. The figure for 1953 was Rs. 57,08,496. The whole amount has been recovered. The figure for 1954-55 was Rs. 75,61,032. The whole amount has been recovered. The figure for 1955-56 was Rs. 79,02,781. That is due and not paid. The figure for 1956-57 was Rs. 7,22,705. That amount is also due and not paid. The figure for 1957-58 was Rs. 8,19,316 out of which Rs. 3,72,333 has been paid and the balance of Rs. 4,46,983 is due.

Sri C. S. HULKOTI.—What are the steps that have been taken to recover the amounts due?

Sri J. H. SHAMSUDDIN.—The amounts due are from a particular company. The company has been asked to pay as soon as possible.

Sri C. S. HULKOTI.—Why have they not paid still?

Sri J. H. SHAMSUDDIN.—The company is disputing the validity of the Act itself. Therefore, the matter is under correspondence.

Sri C. S. HULKOTI.—When were the notifications for each year issued?

Sri J. H. SHAMSUDDIN.—The notifications that were challenged related to 1955-56, 1956-57 and 1957-58 only. The notifications were issued on different dates. For instance one notification was issued on 9-4-1956 and another on 4-12-1956.

Sri C. S. HULKOTI.—What was the reason for the delay in issuing the notifications?

† Indicates that the remarks or speeches have not been revised by the member concerned.

Sri J. H. SHAMSUDDIN.—That was due to the reorganisation of the State. At that time Bellary was in Madras. This case relates to Hospet. Bellary came to old Mysore in 1953-54 and so there was some delay.

Sri C. S. HULKOTI.—What was the reason for delay in 1954-55?

Sri J. H. SHAMSUDDIN.—There was no delay in 1954-55. That amount was not challenged at all.

Dr. R. NAGAN GOWDA.—If I understand the Hon'ble Deputy Minister correctly, the amount is due only from the Hospet factory. May I know the total amount due from this factory?

Sri J. H. SHAMSUDDIN.—I have already given the figures for each year.

Dr. R. NAGAN GOWDA.—May I know whether the company is working at a profit or at a loss?

Sri J. H. SHAMSUDDIN.—That question does not arise. The company has disputed the right of Government to claim the dues.

Sri C. S. HULKOTI.—Have they appealed to the High Court challenging the Act?

Sri J. H. SHAMSUDDIN.—They are thinking of challenging the Act.

Sri C. S. HULKOTI.—Have they taken any steps to challenge the Act?

Sri J. H. SHAMSUDDIN.—I have no definite information.

Sri C. S. HULKOTI.—May I know why Government does not take coercive measures to recover the amounts?

Sri J. H. SHAMSUDDIN.—If the matter does not go to court, Government will take all measures to recover the amount.

4.—Sri T. SUBRAMANYA (Minister for Law, Labour and Local Self-Government).—

(a) Information is not readily available. The other legislatures have been addressed to furnish the necessary data and their replies are awaited.

(b) The position will have to be examined on receipt of the data from other States.

† ಶ್ರೀ ಚಿ. ಸುಬ್ರಹ್ಮಣ್ಯ. — ಅಚ್ಚಾಗಿದ್ದ ಉತ್ತರ ದಲ್ಲ ಹೇಳಿರುವ ಹಾಗೆ ನಮ್ಮ ಕಚೇರಿಗೆ ಈ ಪ್ರಶ್ನೆಯನ್ನು ಕಳುಹಿಸಿದಾಗ ವಿವರಗಳು ಸಿಕ್ಕಿರಲಿಲ್ಲ. ಈಚೆಗೆ ತಿಳಿದು ಬಂದಿರುವಂತೆ ಲಂಛ ಪ್ರದೇಶ, ಅಸ್ಸಾಂ, ಬೇಹಾರ್, ಕೇರಳ, ಮಧ್ಯ ಪ್ರದೇಶ, ಪಂಜಾಬ್, ಉತ್ತರ ಪ್ರದೇಶ, ರಾಜಾಸ್ಥಾನ್, ಒರಿಸ್ಸಾ ಈ ರಾಜ್ಯಗಳಲ್ಲಿ ಯಾವ ಪಾಸ್‌ಗಳನ್ನು ಕೊಟ್ಟಿಲ್ಲ. ಪಶ್ಚಿಮ ಬಂಗಾಳದಲ್ಲಿ 3000 ಮೈಲಿ ಗಳಿಗೆ ರೈಲ್ವೆ ಕೂಪರ್‌ಗಳನ್ನು ಕೊಟ್ಟಿದ್ದಾರೆ; ಈ ಬಗ್ಗೆ ಏರ್ಪಡಿಸುವ ಲೆಜಿಸ್ಲೇಷನ್ ಇರಾಬೆ ವಹಿಸುತ್ತದೆ. ಬೊಂಬಾಯಿ ಮತ್ತು ಇನ್ನೊಂದು ರಾಜ್ಯದಲ್ಲಿ ಸ್ಟೇಟ್ ಟ್ರಾಕ್ ಸ್ಟೋರ್ಸ್ ಪಾಸ್‌ಗಳನ್ನು ಕೊಟ್ಟಿದ್ದಾರೆ.

ಶ್ರೀ ಎ. ಜಿ. ನರಸಿಂಹೇಗೌಡ. — ಅದೇ ರೀತಿ ಇಲ್ಲಿಯೂ ಮಾಡುವುದಕ್ಕೇನು ತೊಂದರೆ? ಇಲ್ಲೇಕೆ ಮಾಡುತ್ತಿಲ್ಲ?

ಶ್ರೀ ಚಿ. ಸುಬ್ರಹ್ಮಣ್ಯ. — ಲಂಛ ಪ್ರದೇಶ, ಅಸ್ಸಾಂ ಬಹು ಮುಂತಾದ ಬಹು ಭಾಗದ ಪ್ರಾಂತಗಳಲ್ಲಿ ಹೇಗೆ ಮಾಡಿದ್ದಾರೋ ಹಾಗೆ ಇಲ್ಲಿಯೂ ಮಾಡಿದೆ.

ಶ್ರೀ ಎ. ಜಿ. ನರಸಿಂಹೇಗೌಡ. — ಮೈಸೂರು ವಿಧಾನ ಮಂಡಲದ ಸದಸ್ಯರಿಗೆ ಪಾಸ್ ಕೊಡಲು ಇರುವ ತೊಂದರೆ ಏನು?

ಶ್ರೀ ಚಿ. ಸುಬ್ರಹ್ಮಣ್ಯ. — ಅದನ್ನು ಇದುವರೆಗೆ ಯೋಚನೆ ಮಾಡಿಲ್ಲ; ಯೋಚನೆ ಮಾಡಿ ತೀರಿಸಬೇಕಾಗಿದೆ.

ಶ್ರೀ ಜಿ. ವೆಂಕಟೇಗೌಡ. — ಈ ರೀತಿ ಪಾಸ್‌ಗಳನ್ನು ಕೊಟ್ಟರೆ ಸರ್ಕಾರಕ್ಕೆ ಎಷ್ಟು ವೆಚ್ಚ ತಗಲಬಹುದು?

ಶ್ರೀ ಚಿ. ಸುಬ್ರಹ್ಮಣ್ಯ. — ಇನ್ನೂ ಯೋಚನೆ ಮಾಡಿಲ್ಲ.

Afforestation in the State.

*Q.—479. **Sri S. R. RAMIAH** (Hosakote).—

Will the Government be pleased to state:—

(a) the extent of Forest area in the State;

(b) the area of afforestation that has been effected for the last 3 years (Districtwar);

(c) the progress of the afforestation;

(d) is the Government of Mysore aware of the due scarcity of fuel in the

Free Railway Passes to the Members of the Legislature.

*Q.—51. **Sri N. G. NARASIMHE GOWDA** (Sravanabelagola).—

Will the Government be pleased to state:—

(a) whether it is a fact that free Railway Passes are being issued to M.L.A.s and M.L.C.s in other States;

(b) the difficulties in the way of issuing such passes to the Members of the State Legislature?